

REPORT - PLANNING COMMISSION MEETING
April 28, 2005

Project Name and Number: CENTERVILLE MARKET PLACE (PLN2005-00205)

Applicant: Charter Properties

Proposal: To consider a Vesting Tentative Tract Map 7599 and the creation of a private street to subdivide the Centerville Market Place site to allow the development of the site into 110 residential condominiums and 7 retail condominiums, one of which is freestanding.

Recommended Action: Approve based on findings and subject to conditions.

Location: 37070 Fremont Boulevard in the Centerville Planning Area and Centerville Redevelopment Area.

APN: 501-1426-6-1; 501-1426-8-3; 501-1426-10-2; 501-1426-11; 501-1426-4-3 [formerly 501-1426-5 and 501-1426-4-2]; portion of 501-1426-12-2)

Area: 6.6 acres

Owner: Redevelopment Agency of the City of Fremont (Agency) primarily in fee.

Agent of Applicant: Peter Stackpole, Loving & Campos, Architects Inc.

Environmental Review: This project complies with the previously approved Mitigated Negative Declaration for the rezoning and other prior actions related to the site.

Existing General Plan: Community Commercial / Centerville Specific Plan

Existing Zoning: P-2005-129 (CSPC) (Planned District Centerville Specific Plan)

Existing Land Use: The site was previously developed with a commercial shopping center. The majority of the shopping center has been demolished and only one building remains.

Public Hearing Notice: Public hearing notification is applicable. 170 notices were mailed to owners and occupants of property within a minimum radius of 500 feet from the site on the following streets: Fremont Boulevard, Thornton Avenue, Post Street, Bonde Way, Baine Avenue, and Maple Street. The notices to owners and occupants were mailed on April 18, 2005. A Public Hearing Notice was delivered to The Argus newspaper on April 11, 2005 to be published by April 14, 2005.

Executive Summary: The applicant is requesting approval of a Vesting Tentative Tract Map 7599 and the creation of a private street to subdivide the Centerville Market Place site. This requested subdivision map is necessary to move forward with the previously approved development of 110 residential condominiums and 7 retail condominiums. The proposed Tentative Tract Map 7599 and private street are in conformance with an approved Planned District for a vertical mixed-use development on the 6.6 acre site located in the Centerville Planning Area and Redevelopment Area. The project site is generally bounded by Fremont Boulevard, Thornton Avenue, Post Street, and Bonde Way. The approved development plan includes 58,000 gross square feet of pedestrian-oriented retail space (fronting on both Fremont Boulevard and a new private street known as Market Place) and 110 for-sale townhome-style residential units (17 below market rate). The residential units will be placed atop a podium deck covering most of the retail shops, restaurants and ground level parking. The project is consistent with the City's General Plan, the Centerville Specific Plan and development standards.

Background and Previous Actions: The Redevelopment Agency Board/City Council held a public hearing on March 22, 2005 and approved the Disposition and Development Agreement (DDA) which will transfer the site from the Agency to Charter Properties based upon the approved business terms and development plan. The DDA includes many recommended land use and design controls and standards. The Planning Commission has made findings of General Plan conformity regarding the DDA on January 27, 2005. The Planning Commission recommended the Preliminary and Precise Planned District and Preliminary Grading Plan to City Council on March 10, 2005. City Council approved the Preliminary and Precise Planned District P-2005-129 (CSPC) and Preliminary Grading Plan on March 22, 2005.

Project Description: The applicant proposes a Vesting Tentative Tract Map 7599 and private street to subdivide the Centerville Market Place site to accommodate development of the previously approved 110 residential condominiums and 7 retail condominiums. The proposed Vesting Tentative Tract Map 7599 and private street are in conformance with an approved Planned District P-2005-129 (CSPC) for a vertical mixed-use development on a 6.6 acre site located in the Centerville Planning Area and Redevelopment Area. The development includes 58,000 gross square feet of pedestrian-oriented retail space (fronting on both Fremont Boulevard and a new private street known as Market Place) and 110 for-sale townhome-style residential units (17 below market rate). The residential units will be placed atop a podium deck covering most of the retail shops, restaurants and ground level parking. The project site is generally bounded by Fremont Boulevard, Thornton Avenue, Post Street, and Bonde Way.

General Plan Conformance: The General Plan land use designation for the project site is Community Commercial / Centerville Specific Plan. The proposed project is consistent with the General Plan designation and the approved Planned District. The project meets General Plan Land Use and Housing Goals and Policies as follows:

Policy LU 1.20: Mixed use (residential/commercial) is allowed in Commercial districts as specified by the zoning regulations for the respective district in order to increase the vitality and activity within the commercial district.

Objective LE3.2: Thriving community commercial centers whose function is to provide a wide range of goods in a focused, identifiable, pedestrian oriented commercial area.

The project site is located in Subarea 1 of the Centerville Specific Plan. Figure C-2 of the Subarea 1 Concept Plan indicates a new shopping center to be located at the proposed project site. The land use objectives of the Centerville Specific Plan include:

- Enhance viable commercial districts in Centerville.
- Concentrate retail activities in the historic business district of Centerville.
- Promote pedestrian-oriented uses and spaces especially in the historic business district.

The proposed project will support these objectives by allowing the developer to create a new mixed-use development, with significant retail elements, and centered with a public plaza and new street which will enhance pedestrian uses.

HOUSING (H) GOAL 3: Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the City

The proposed residences will provide additional housing opportunities at market rate and will include seventeen (17) Below Market Rate (BMR) units as required by the Inclusionary Housing Ordinance. The proposed project has the potential to enhance the existing neighborhood by providing well-designed housing in addition to the new pedestrian oriented retail uses. The proposed development project will provide units that range in size and number of stories, which will appeal to a variety of households.

The proposed Vesting Tentative Tract Map 7599 and private street are in conformance with the General Plan land use designation, the Centerville Specific Plan and provides affordable housing and neighborhood revitalization. The proposed project also meets City economic development goals and objectives of the General Plan.

Zoning Conformance: The project site is zoned Planned District Centerville Specific Plan P-2005-129 (CSPC). The proposed Vesting Tentative Tract Map 7599 and private street are in conformance with the Planned District and development standards.

Redevelopment Plan Conformance: The proposed project furthers 11 out of 23 goals and objectives identified in the Centerville Redevelopment Plan (page 4). These are:

A. (Goal #1) The elimination of adverse physical and economic conditions within the Project Area.

Approximately 70,000 square feet of substandard, underutilized and/or abandoned retail structures fronting Fremont Boulevard have been demolished by the Agency to prepare for this project, which will revitalize Centerville's commercial district. The Agency has also removed three abandoned subterranean fuel storage tanks and approximately 3,800 tons of lead contaminated soil.

B. (Goal #2) The elimination or renovation of substandard buildings and those that conflict with the uses proposed in the General Plan and Specific Plan. As noted above, the Agency has removed 70,000 square feet of substandard, underutilized and/or abandoned retail structures fronting Fremont Boulevard in the heart of Centerville's Commercial district.

C. (Goal #3) The elimination of substandard sized lots and lots of irregular shape. The project incorporates the unused panhandle portion of the Pioneer Cemetery (a twelve foot wide remnant of the Pioneer Cemetery) into its design. Incorporating the panhandle into the project eliminates this irregular piece of property that has gathered weeds and trash for many years.

D. (Goal #4) The creation of sites of adequate shape and size for redevelopment in accordance with a unified development plan by assembling smaller parcels of inadequate size and shape. The project consolidates all or part of six parcels under four separate ownerships into one developable 6.6 acre parcel.

E. (Goal #5) The creation of residential opportunities for all segments of the community, including the provision of quality affordable housing. The project will create 110 townhome style condominium units of varying sizes and configurations. Seventeen of these units will be available at below market rate as affordable housing units.

F. (Goal #7) The encouragement of residential development in appropriate locations. The project provides housing above retail space on Fremont Boulevard, preserving the retail nature of Centerville's downtown while providing high quality housing opportunities.

G. (Goal #8) The enhancement of viable commercial districts in Centerville, including the attraction and retention of neighborhood serving commercial facilities. The project will provide 58,000 square feet of retail space anchored by several large, high quality restaurants. The addition of this enhanced retail experience is expected to improve Centerville's commercial district.

H. (Goal #9) The concentration of retail activities in the historic business district of Centerville. The project area is within Subarea 1 of the Centerville Specific Plan which includes Centerville's historic business district. This project adds 58,000 square feet of high quality retail space to this district.

I. (Goal #10) The promotion of pedestrian-oriented uses and spaces especially in the historic business district, including the retention of business entrances on Fremont Boulevard, as appropriate. The project places 58,000 square feet of high quality retail within Subarea 1 (containing the historic business district) of the Centerville Specific Plan. As much as 390 linear feet (representing approximately 23,400 square feet) of this project fronts on Fremont Boulevard. Business entrances are oriented to Fremont Boulevard where appropriate.

J. (Goal #13) The development of public plazas which serve as public gathering places or focus points for employees and customers in Centerville's heritage retail district. The project has a large privately-owned public plaza located on the private street in close proximity to Fremont Boulevard. The Disposition and Development

Agreement between the Developer and the Redevelopment Agency requires that this plaza be made available for to the public for use as a gathering place and for certain public events.

K. (Goal #21) The attraction of appropriate new businesses and the retention and expansion of existing businesses in coordination with Citywide economic development programs. The project will add 58,000 square feet of high quality retail space which will be available for new and expanding businesses in Fremont.

Landscape: Trees and landscape on the proposed project site were addressed with the Planned District. The applicant will install the street trees as part of the required public street improvements that were included as conditions of the previously approved Planned District, P-2005-129 (CSPC).

Circulation/Access Analysis: The project site has frontage on Post Street to the north and on Fremont Boulevard to the south. Both pedestrian and vehicular traffic will access the site from these streets. A new private street, Market Place, divides the east and west sides of the site and provides diagonal parking in front of the retail uses. The private street name, Market Place, is subject to review, modification, and approval of the City prior to final map approval.

Street Improvements: The project includes improvements to both Fremont Boulevard and Post Street. Both streets have been previously improved, Post Street as part of a local improvement district and Fremont Boulevard was recently improved under the City's capital improvement project, Fremont Boulevard Streetscape, City Project No. 8390/8391(PWC). The project is also required to install a traffic signal at the intersection of Post Street and Thornton Avenue. The required public street improvements were included as conditions of the previously approved Planned District, P-2005-129.

Fremont Boulevard, also known as State Highway 84, is designated by the General Plan as an arterial with two vehicle lanes each direction. As a state highway, right-of-way and street improvements within Fremont Boulevard are subject to Caltrans review and approval. The current street improvements, installed with the City's capital improvement project, include design exceptions that were granted by Caltrans. The exceptions were needed because existing buildings (Scenarios, the former Metropole, and former Cloverdale Creamery) would have required modification or perhaps demolition to achieve a constant street width. The Metropole building has been demolished and this project proposes the demolition of the Scenario building, removing the building constraints on the north side of Fremont Boulevard.

Due to the fact that the existing Fremont Boulevard lane widths do not conform to Caltrans standards, Caltrans may require the widening of Fremont Boulevard, particularly from the existing Scenarios building to the adjacent Carl's Jr. restaurant. The applicant and City staff met with Caltrans staff in mid-February to discuss the Fremont Boulevard right-of-way and improvement requirements. The applicant is currently working with Caltrans to determine the precise right-of-way and improvements required on Fremont Boulevard.

Private Street Improvements: Market Place is a proposed private street that provides on street diagonal parking and frontage to the retail uses. Market Place is proposed with a right-of-way width of seventy-four feet and a curb-to-curb pavement width of sixty-three feet. The street will include one travel lane in each direction and on street diagonal parking. Ownership and maintenance of Market Place will be through a property owners association established for the retail development.

Grading/Topography: On April 5, 2005, City Council approved a preliminary grading plan (P-2005-129), along with the Planned District. The applicant has included a preliminary grading and drainage plan for informational purposes with the vesting tentative map application. The project site is a 6.6-acre parcel previously developed for retail, automotive, and other uses. In anticipation of the redevelopment of the site, demolition permits were issued for all but one building (Scenario Game & Hobby Shop). These buildings have been demolished and currently a stockpile of demolition debris is being processed on site.

The grading quantity estimates for the project consist of 62,000 cubic yards of over-excavation, of which 45,000 cubic yards will be blended and used for engineered fill on-site. The project civil engineer estimates that 13,500 cubic yards of the excavated material will have to be exported from the site. The truck route for any import or export soil is subject to review and approval by the City Engineer prior to issuance of any grading permit.

Drainage: Public storm drains exist in both Post Street and Fremont Boulevard. The proposed on-site storm drain system is designed to direct runoff from the majority of the site to the storm drain system in Post Street, which eventually connects to the Alameda County Flood Control and Water Conservation District (Flood Control) Zone 5, Line K-3. The on-site storm drain system is proposed to connect to an underground storm water pollution control unit, which is intended to remove pollutants from stormwater runoff prior to discharging to the public storm drain. The design and density of the project site is such that other storm water treatment technologies may be needed. The storm drain system, including any integrated storm water treatment devices, will be subject to review and approval of the City Engineer and Alameda County Flood Control and Water Conservation District.

Urban Runoff Clean Water Program: The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board. Prior to approval of building permits or approval of the final map, the developer must demonstrate the site design complies with the NPDES permit requirements.

Applicable Fees:

Development Impact Fees: This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. The residential component of the project will also be subject to park facilities and park dedication in-lieu fees. These fees shall be calculated at the fee rates in effect at the time of building permit issuance. The developer is entitled to a fee credit equal to the square footage of buildings removed from the site.

Centerville Specific Plan Fee: This project is located within Subarea 1 of the Centerville Specific Plan and is subject to fees related to the cost of preparing the Centerville Specific Plan. The plan fee in this subarea is currently \$2,985 per acre of site. These fees will be collected at the time of building permit issuance.

Environmental Analysis: An Initial Study and Mitigated Negative Declaration were prepared for the project at the time the Planned District rezoning was considered. A Mitigated Negative Declaration was adopted by the City Council in March of 2005. There are no new impacts that were not analyzed in that environmental document. A finding is proposed that this project does not represent any new impacts not addressed in the Initial Study and Mitigated Negative Declaration adopted March 22, 2005.

Response from Agencies and Organizations: No outside response or comment had been received at the time of publication of this report.

ENCLOSURES: Exhibit "A" Vesting Tentative Tract Map 7599 and Private Street

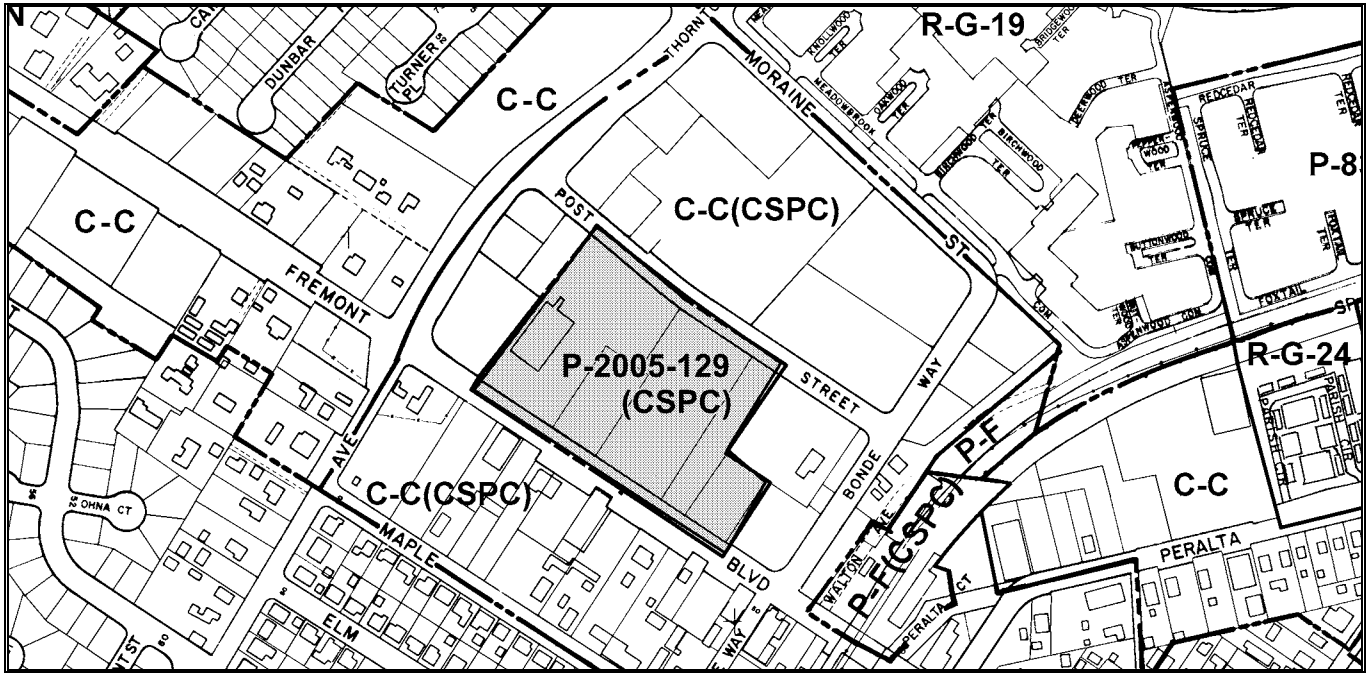
EXHIBITS: Exhibit "A" Vesting Tentative Tract Map 7599 and Private Street
Exhibit "B" Findings and Conditions

Recommended Actions:

1. Hold public hearing.
2. Find the previously approved Mitigated Negative Declaration addresses the proposed project and no further environmental review is required.
3. Find PLN2005-00205 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Chapters as enumerated within the staff report.

4. Find PLN2005-00205 per Exhibit "A" (Tentative Tract Map 7599 and Private Street) and Exhibit "B" (Findings and Conditions) fulfills the applicable requirements set forth in the Fremont Municipal Code.
5. Approve PLN2005-00205 in conformance with Exhibit "A" (Tentative Tract Map 7599 and Private Street) and Exhibit "B" (Findings and Conditions).

Existing Zoning
Shaded area represents the Project Site



Existing General Plan

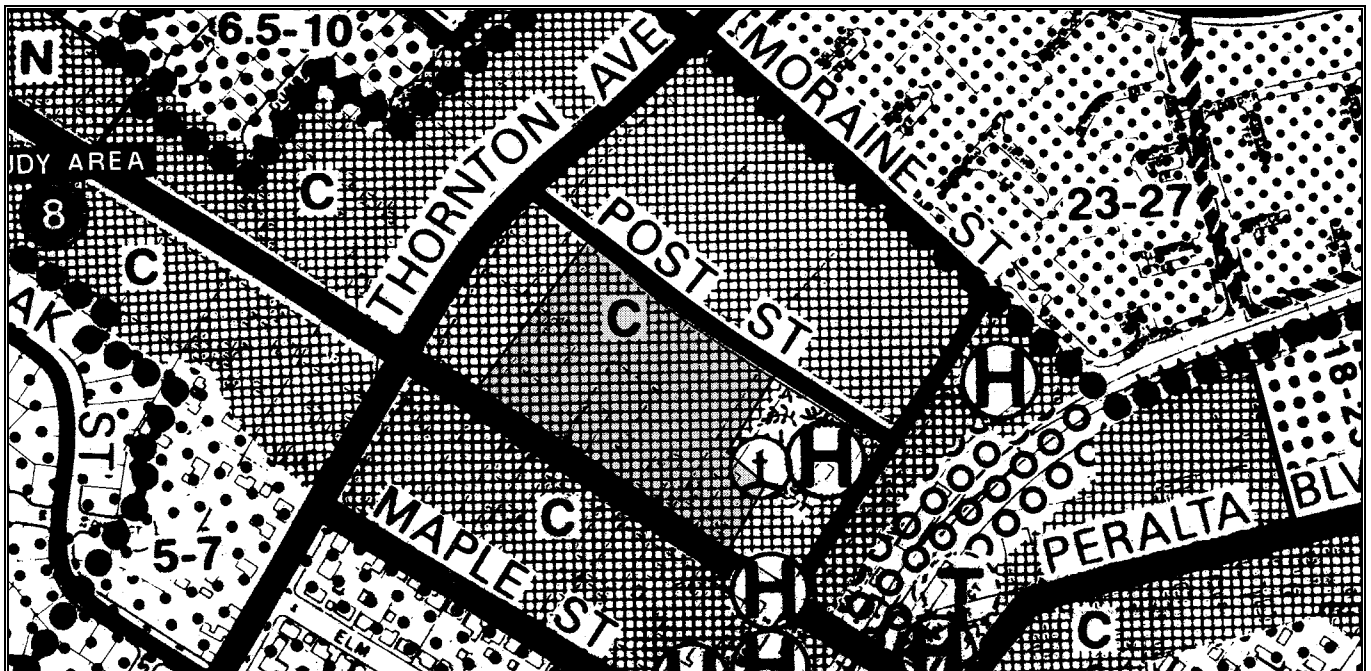


EXHIBIT "B"
CENTERVILLE MARKET PLACE
PLN2005-00205
VESTING TENTATIVE TRACT MAP 7599
PRIVATE STREET

FINDINGS

The following findings are made based upon the information contained in the staff report to the Planning Commission dated April 28, 2005, as well as information presented at the public hearing, incorporated hereby:

1. The proposed vesting tentative map satisfies the requirements and conditions imposed by the Subdivision Map Act and the City of Fremont Subdivision Ordinance, because the procedural requirements of the Map Act are being followed and the proposed lots conform to the standards as stipulated in the Planned District (P-2005-129) zoning district.
2. The proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan because the proposed development conforms to the requirements of the zoning district as well as the General Plan land use designation for the site.
3. The site is physically suitable for the type and proposed density of the development, because it is consistent with the General Plan and zoning designation for the site.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because of the design and location of the development on an area already developed with commercial buildings.
5. The design of the subdivision and the type of improvements are not likely to cause serious public health problems, because the review process of the subdivision has taken those concerns into consideration and has found the proposal in conformance with the City of Fremont's policies.
6. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. Acquisition of any new easements will be required prior to the acceptance of the Final Map for this project.
7. The most logical development of the land requires private street access because the physical character of the project is more amenable to the less intense right of way required of a private street.
8. The development of the land is well defined because the design of the subdivision and proposed improvements are in conformance with the City of Fremont's applicable codes, policies, and the approved planned district zoning.

CONDITIONS OF APPROVAL:

1. The approval of PLN2005-00205 shall conform to staff amended Exhibit "A" (Vesting Tentative Tract Map 7599 and Private Street), all the conditions of approval set forth herein, and all conditions of approval of Planned District and Preliminary Grading Plan, P-2005-129.
2. Approval of this Vesting Tentative Map shall expire 24 months after approval according to the provisions of the State Subdivision Map Act and any amendments thereto and applicable provisions of the Fremont Municipal Code consistent with the State Subdivision Map Act.
3. The proposed private street name, Market Place, is subject to review, modification, and approval by the City prior to final map approval.
4. The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

5. In accordance with the Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, NPDES Permit No. CAS0029831, the property owners shall enter into a maintenance agreement for the long-term operation and maintenance of on-site stormwater treatment measures. The agreement shall run with the land and be recorded at the same time that the final map is recorded.
6. The streetlight plan and joint trench plan shall be submitted by the applicant with the first subdivision plan check for the street improvement plans and final map. The final streetlight plan and joint trench plan shall be completed and approved prior to final map approval.
7. The developer shall request P.G. & E. to commence with the design of the utility underground work for the proposed development after the Planning Commission's approval of Vesting Tentative Tract Map 7599.
8. Precise geometry and location of all driveways shall be subject to approval of the City Engineer.
9. In accordance with Section 66474.9(b) of the Subdivision Map Act, the subdivider shall defend, indemnify, and hold harmless the City of Fremont or its agents, officers, or employees from any claim, action, or proceeding against the City of Fremont or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Fremont, advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37 of the Government Code.
10. The City of Fremont shall promptly notify the applicant of any claim, action, or proceeding to attack, set aside, void, or annul, its approval and shall cooperate fully in the defense thereof.
11. All new utility service connections, including electrical and communications, shall be installed underground within appropriate public service or public utility easements.
12. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The plans will also include storm water measures for operation and maintenance of the project.
13. Interior level parking garage floor drains receiving non-stormwater discharges shall be connected to a water treatment device approved by the City of Fremont prior to discharging to the sanitary sewer system. The applicant shall contact Union Sanitary District for specific connection and discharge requirements.
14. The developer is responsible for ensuring that all contractors and subcontractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop work orders.
15. The developer, at time of initial sale, shall provide to the buyer information on good housekeeping of hazardous products, i.e. proper use and disposal, prohibited discharge practices, etc. Informational materials will be furnished by the City.
16. A home owners association or other mechanism acceptable to the City is to be established, formed, and is to covenant and be responsible for the maintenance of all commonly owned facilities, which are not maintained by the public utility agency or by the retail and/or commercial businesses. The developer is responsible for maintenance for all facilities during the subdivision warranty period.
17. The maintenance agreement, as required by Planned District P-2005-129 condition of approval D-4, shall be executed prior to approval of the final map for Tract 7599.
18. Each buyer of a residential unit is to sign an acknowledgment that he/she has read the constitution and bylaws of the home owner's association and the conditions, covenants and restrictions applying to the development.
19. The developer, or the retail and/or commercial businesses shall prepare and implement a plan for street sweeping of paved private roads and cleaning of all storm drain inlets.

20. All on-site storm drains must be cleaned at least once a year immediately prior to the rainy season. Additional cleaning may be required by the City of Fremont.
21. The private street (Market Place) driveway on Post Street shall be designed to accommodate the City's street sweeping equipment. Appropriate curb tapers shall be designed and incorporated before and after the driveway, subject to review and approval of the City Engineer.

PRIVATE STREET CONDITIONS:

22. The private street shall conform with staff amended Exhibit "A", attached hereto and made a part hereof and all conditions of approval of Vesting Tentative Tract Map 7599.
23. Approval of this Private Street shall run concurrent with the approval and subsequent extensions of Vesting Tentative Tract Map 7599 (PLN2005-00205). Approval of this Private Street shall terminate upon the expiration of Vesting Tentative Tract Map 7599.
24. This Private Street (PLN2005-00205) is being conditionally approved based on the accuracy of the information shown on Exhibit "A" and submitted with the Private Street application. If any of the information is shown to be inaccurate subsequent to approval of the Private Street by the City, such inaccuracy may be cause for invalidating this approval.
25. The private street names shown on Exhibit "A" are subject to modification prior to final map approval. If needed, the developer shall work with staff to provide different street names, subject to staff review and approval.
26. A Public Service Easement (PSE) is to be established over the entire private street right-of-way. The PSE dedication statement on the final map is to recite that the PSE is available for, but not limited to, the installation, access and maintenance of sanitary and storm sewers, water, electrical and communication facilities.
27. Access considerations for the on-site circulation system require space to be reserved for the movement of fire-fighting and emergency vehicles for the protection of both private property and the public. Dedication of emergency vehicle access easements (E.V.A.E.) on the final map over the private street right-of-way will be required. The easement geometry shall be subject to the approval of the City Engineer.
28. Fire hydrants are to be located along the private street as determined by the Fremont Fire Department.
29. Deed restrictions are to be recorded concurrently with the final map to create a mandatory retail and/or commercial business association or any other mechanism acceptable to the City for those commercial lots within the development which shall covenant and be responsible for the following:
 - a. Maintenance of the facilities in the private street which are not maintained by a public utility agency, except all utility work resulting from backfill failure is to be the responsibility of the association.
 - b. Payment of the water and private street lighting (maintenance and energy) bills.
 - c. Maintenance, repair, replacement and removal of blockages in all building sewers. Maintenance of the building sewers includes repair of any trench failures and/or trench surface material failures.
 - d. Maintenance and "knock-down" repair of fire hydrants and water facilities along the private street is to be done by the utility agency at the expense of the association. The association is to be responsible for repainting any fire hydrants along the private street.
30. Private street grading and drainage shall be done according to public street standards, subject to review and approval by the City Engineer prior to final map approval.

31. Pursuant to FMC Section 8-1522 and 8-3107, the subdivider is to improve prior to final map approval or agree to improve within one year of final map approval, the private street frontage of the map, unless an earlier deadline is set by any other agreement. No permanent improvement work is to commence until improvement plans and profiles have been approved by the City Engineer. Improvements are to be installed to permanent line and grade in accordance with the City's subdivision improvement standards and to the satisfaction of the City Engineer. The minimum improvements which the subdivider is normally required to construct or agree to construct prior to acceptance and approval of the final map by the City are as set forth in the City Development Policy for Private Vehicle Access ways. Improvements to be constructed include:
- a. Curb and gutter
 - b. Driveways
 - c. Street paving
 - d. Private Street monuments
 - e. Electroliers (wired underground)
 - f. Drainage facilities
 - g. Signs
 - h. Fire hydrants
32. The private street pavement shall be designed on the basis of a traffic index using predicted traffic generation and a twenty year pavement design life. In no case shall the traffic index be less than 5.5. Asphalt concrete surfacing to be treated with a seal coat of the type and amount required by the City Engineer. Pavement design sections shall be subject to approval of the City Engineer.
33. Safety lighting is to be provided on the private street. Lights shall utilize "vandal resistant" enclosures and shall have sufficient power and spacing to provide an average maintained foot-candle level of 0.12.
34. A signpost, to which is attached a sign having an area of at least fifteen inches by twenty-one inches, is to be installed at or near the private street entrance. The name of the private street is to be placed on this sign in clearly legible four-inch letters. The sign is to have painted, in at least one-inch letters, "Private Property. Not dedicated for public use."
35. Approval of Private Street (PLN2005-00205) shall become effective upon final map approval.

SUBDIVIDER PLEASE NOTE:

The fees, dedications, reservations and/or other exactions imposed on this project are those listed in the foregoing conditions of this tentative tract map approval. The subdivider is hereby notified that the 90-day period in which the subdivider may protest these fees, dedications, reservations and other exactions pursuant to Government Code Section 66020(a) begins on the date of approval of this tentative tract map. If the subdivider fails to file a protest within this 90-day period complying with all the requirements of Government Code Section 66020, the subdivider will be legally barred from later challenging such actions.